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FILED  
U.S. DISTRICT COURT  
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DISTRICT OF UTAH  
BY: DEPUTY CLERK

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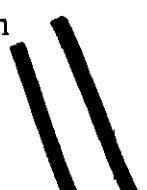
IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

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UNITED STATES OF AMERICA, : 2:03CR 669 PGC  
: Plaintiff,  
: vs. : MOTION FOR LEAVE TO  
: : FILE A DISMISSAL  
CHRISTOPHER BACON, :  
: Defendant.  
:

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Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, the United States Attorney for the District of Utah hereby moves for Leave of Court to dismiss without prejudice the Indictment in this case against the defendant, Christopher Bacon, for the reason that the defendant does not have a predicate felony conviction. New information has established that the defendant's brother, Dennis Bacon, has falsely used the defendant's name when arrested and during court proceedings, which has resulted in



inaccurate criminal history records related to the defendant. Fingerprint comparisons on December 31, 2003, by the Utah Bureau of Criminal Identification and by the U.S. Marshal's Service through the FBI Criminal Justice Information Services system has confirmed that the defendant is not the person related to the relevant criminal history record, though his name does appear on the record.

Therefore, the United States requests dismissal of the matter.

DATED this 10<sup>th</sup> day of January, 2004.

PAUL M. WARNER  
United States Attorney



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BARBARA BEARNSON  
Assistant United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the United States Attorney's Office, and that a copy of the foregoing MOTION FOR LEAVE TO FILE A DISMISSAL and proposed ORDER GRANTING LEAVE TO DISMISS were mailed, postage prepaid, to all parties named below, this 13<sup>th</sup> day of January, 2004.

Richard MacDougall  
Federal Defenders Office  
46 West Broadway, Suite 110  
Salt Lake City, Utah 84101

